



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-48**

December 30, 2003

David & Sheila Meredith
PO Box 491
Niantic, CT 06357-0491

RE: DES Wetlands File #1999-00476 426 Sewall Road, Wolfeboro

Dear Mr. and Ms. Meredith

During the summer of 2003, DES personnel conducted inspections of lakeshore projects approved in 1999. Wetlands and Non-Site Specific Permit # 1999-00476 (the "Permit") was issued to you on September 22, 1999 for the removal of an existing 18 ft x 28 ft partially dug-in boathouse, 6 ft x 24 ft pier, and 10 ft x 11 ft deck accessed by a 9 ft x 6 ft walkway, dredge of 13.7 cu yds from 148 sq ft of lake bed and excavation of 190 sq ft along 42 linear feet of shoreline to construct a 42 ft x 38 ft dug-in boathouse, with 2 boat lifts, and 6 ft x 28 ft piling pier on a parcel of land located at 426 Sewall Road in Wolfeboro, more specifically referenced on Town of Wolfeboro Tax Map 229 as Lot 7 (the "Property"). On August 8, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the Property. The purpose of the inspection was to determine compliance with RSA 482-A, NH Wetlands Law, and RSA 483-B, NH Comprehensive Shoreland Protection Act.

During the inspection DES personnel observed that the boathouse and piling pier were constructed in accordance with the approved plans by Lakeshore Construction of Wolfeboro received by DES on September 22, 1999 (the "Approved Plans"). The inspection and subsequent file review revealed, however, that the Property is not in compliance with RSA 482-A. After review of DES records, DES documented the following deficiencies:

1. Two personal watercraft ("PWC") lifts were installed in Lake Winnepesaukee adjacent to the northerly side of the boathouse without a permit from DES.
2. An existing 25 ft by 12 ft perched beach had been extended 22 feet upslope and along the shore of Lake Winnepesaukee and 6 in to 7 ft 7 in landward of its previous footprint without a permit from DES.
3. DES has not received a copy of the permit recorded with the Registry of Deeds Office as required by Specific Condition # 4 of the Permit.

In response, you are requested to take the following actions:

1. Within 30 days submit an after-the-fact Standard Dredge and Fill Application (enclosed) to retain the PWC lifts within existing boatslips, retain a maximum of 40 linear feet of beach without any slope, and restore the remaining beach area.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 5000

cc: Rene Pelletier, Manager, Land Resources Management Program ✓
Gretchen Rule, Administrator, DES Legal Unit
Wolfeboro Conservation Commission
Wolfeboro Board of Selectmen
David Killoy, USACOE